

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ISRAEL DUARTE-ROSAS,

Civil No. 05-1856 PAM/SRN

Plaintiff,

v.

ORDER

HOLINKA, Warden, FCI-Waseca,
BOP, and UNITED STATES OF AMERICA,

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated August 23, 2005. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**; and

2. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241, (Docket No. 1), be **DISMISSED** for lack of jurisdiction.

DATED: March 10, 2006.

s/ Paul A. Magnuson
Judge Paul A. Magnuson

United States District Court Judge